

BB --Claim 6/ A method for containing biological waste from a composting plant which comprises containing said biological waste material in a device according to claim 1.--

REMARKS

This application pertains to a novel device for automatically emptying a box-shaped material container.

Claims 1 - 5 and 7 are pending; claim 6 being cancelled and claim 7 added by this amendment.

The drawings stand objected to because reference number 15 is not shown. The enclosed proposed correction of Figure 1 adds the missing number 15. If the Examiner would indicate his approval of the proposed correction, Applicants will arrange for submission of corrected formal drawings.

The drawings also stand objected to because the composting plant referred to in claim 6 is not shown.

Claim 6 has now been cancelled, and rewritten as new claim 7. In claim 7, it is clear that a composting plant is only a source of the waste, which is contained by the claimed method. As such, a drawing should not be required.

„ The objection to the drawings should accordingly now be withdrawn.

Claims 1 - 6 stand rejected under 35 USC 112, second paragraph, for reasons more specifically set forth in the Office Action. Each of the reasons given for this rejection have been addressed by specific amendments to the claims, and this rejection is believed obviated by said claim amendments. The rejection should accordingly now be withdrawn.

Claims 1 - 6 stand rejected under 35 USC 112, first paragraph, because the

Examiner finds it unclear how the device is operated under program control, and also finds it unclear how a container is used in a composting plant.

The claim amendments made herein are believed to obviate that branch of the rejection which pertains to the use of a container in a composting plant.

Program control, on the other hand, is a well-known and widely-used method of controlling mechanical devices. A simple example would be a garage door opener, where one pushes a button and a door opens until a certain limit is reached, and then stops.

Another example would be a washing machine, where one pushes a button, and the machine progresses through a series of steps under program control. Further examples are elevators, automobile seats having electronic memory, home heating systems controlled by "set-back" thermostats, and the like.

Those skilled in the art therefore understand what program control means are, and would be enabled by the specification, especially the language beginning at the last paragraph of page 2, to make and use program control for the claimed device.

The rejection of claims 1 - 6 under 35 USC 112, first paragraph, should therefore now be withdrawn.

Turning now to the art rejection, claims 1 - 6 stand rejected under 35 USC 102(b) as anticipated by North, et al.

The North device is completely different than Applicants'. North discloses a bottom-opening container, and does not have automatic program control. In addition, the North device would have to be lifted up, and held over the dump site while the bottom was opened in order to empty it. Applicants' device can be simply lined-up to the side of a

dump site, where the door can be automatically opened and the container then automatically tilted to empty.

North does not disclose a base or a pivotally mounted frame, and is mechanically completely different than Applicants' device.

Applicants' device is therefor neither anticipated nor suggested by North, and the rejection of claims 1 - 6 under 35 USC 102(b) as anticipated by North should accordingly be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1 - 5 and 7 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 19-3869.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account
No. 19-3869.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States
Postal Services as first class mail in an envelope addressed to Assistant Commissioner
for Patents, Washington, D.C. 20231 on April 29, 1999.

SPRUNG KRAMER SCHAEFER & BRISCOE

By William C. Gerstenzang

Date 4/29/99